

IN THE
UNITED STATES DISTRICT COURT
FOR THE
WESTERN DISTRICT OF VIRGINIA
DANVILLE DIVISION

UNITED STATES OF AMERICA)	
)	
v.)	Criminal No. 4:18-CR-00011
)	
MARCUS JAY DAVIS, et al)	
)	

UNITED STATES' MOTION *IN LIMINE*
TO ADD INADVERTENTLY OMITTED EXHIBIT

The United States of America respectfully moves the Court for permission to add one exhibit to its list of exhibits at trial in this case. The exhibit is composed of four (4) .40 caliber shell casings recovered from a crime scene. As grounds for this Motion, the United States asserts the following:

1. Pursuant to the Court's scheduling order, the United States disclosed its trial exhibits and corresponding exhibit list to the defendants on June 13-14, 2019, respectively, along with its list of trial witnesses. ECF No. 364.

2. On its exhibit list, the United States inadvertently omitted listing four (4) .40 caliber shell casings recovered from a shooting on Garland Street on April 26, 2016.¹ The government listed Danville Police Department items 1-4, but accidentally failed to list item 5, which are the four (4) .40 caliber casings.

3. The United States asks the Court to permit the addition of the shell casings to its exhibit list, as Government's Exhibit No. 2077B.

4. The addition of the single exhibit after the trial exhibit deadline does not prejudice the

¹ The United States refers the Court to its 404(b) Notice, which details the Garland Street shooting and its significance to the RICO Conspiracy charge. *See* ECF No. 651.

defendants, who have information regarding the shell casings from the discovery, including police reports detailing the recovery of the shell casings. The defendants have also had an opportunity review the physical evidence. Also, the defendants would have an updated exhibit list weeks before trial in this matter.

WHEREFORE, the United States respectfully requests the addition of one item to its exhibit list for trial.

Respectfully submitted,

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CERTIFICATE OF SERVICE

I hereby certify that a true and correct copy of the foregoing Notice has been provided via electronic means via the Court's CM/ECF filing system to counsel of record, this 23rd day of August, 2019.

/s/Heather L. Carlton
Assistant United States Attorney